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09/509,968	04/17/2001	Takashi Nakamura	50831.00002	6733

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David L Fehrman  
Morrison & Foerster  
Suite 3500  
555 West Fifth Street  
Los Angeles, CA 90013-1024

EXAMINER

ASHBURN, STEVEN L

ART UNIT PAPER NUMBER

3714

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13

Please find below and/or attached an Office communication concerning this application or proceeding.

CS

<b>Office Action Summary</b>	<b>Application No.</b> 09/509,968	<b>Applicant(s)</b> NAKAMURA, TAKASHI	
	<b>Examiner</b> Steven Ashburn	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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## ***DETAILED ACTION***

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-3 are rejected under 35 U.S.C. 102(b) as being anticipated by James et al., U.S. 6,179,713 B1 (Jan. 30, 2001).

James discloses a communication game system having a plurality of terminal game machines connected to a network and a host computer wherein the game data is recorded and replayed allowing remotely located players to participate in the same game at different time periods. *See fig. 4; col. 3:43-65*. In playing the game, each terminal records and stores the players' game data, and then transmits them to a host computer over the network. *See fig. 5; col. 15:15-53*. After the end of a predetermined time period, the host compiles the game data from each terminal and processes it to produce a totalized result for the period. *See id.* Subsequently, the totalized data is transmitted to the game terminals and as the basis for the next turn of play. *See id.*

Regarding claims 2: James teaches the following features:

(1) A plurality of terminal game machines comprising:

(a) Storage means for obtaining and storing replay data for replaying a process of a game play when each player plays a game at a corresponding one of terminal game machines. *See fig 2, 4(402); col. 3:65-4:21, 5:16-21, 8:60-64 and 14:34-38*. More specifically, the terminal records and stores players' game play, encapsulates in a data packet, and then transmits them to a host computer over a network.

(b) Transmission means for automatically transmitting the replay data stored in the storage means to the host computer. *See fig. 4(404); col. 4:5-7.* More specifically, an automated process transmits recorded game play to a host over a network.

(c) Storage means for storing the received replay data. *See fig 2, 4(402); col. 3:65-4:21, 5:16-21, 8:60-64 and 14:34-38.* Player terminals receive an updated game state from the host after each turn. *See id.* Also, "blow by blow" recordings of battles may be replayed at will. *See col. 14:34-38.*

(d) Game execution playback means for playing back the received replay data stored in the storage means and executing the game play by the player. *See col. 3:61-65, 14:34-38.*

(2) Host computer comprising:

(a) Storage means for storing the replay data transmitted from each of the plurality of terminal game machines. *See fig. 4(412); col. 4:16-21.* The host receives replay data from each terminal during a turn, updates the game state based on all the data and transmits the results to the terminals. *See fig. 5; col. 15:15-53.*

(b) Transmission means for automatically transmitting the replay data stored in the storage means to each of the plurality of game machines. *See fig. 4(404); 9:11-16.*

Thus, the claimed invention is unpatentable because James anticipates every feature.

Regarding claim 3: James teaches the following:

(1) Plurality of terminal game machines comprising:

(a) Storage means for obtaining and storing replay data and result data for replaying a process of a game play when each player plays a game at a corresponding one of terminal game machines. *See fig 2, 4(402); col. 3:65-4:21, 5:16-21, 8:60-64 and 14:34-38.* More

specifically, the terminal record and stores players' game play and encapsulates them for transmission to a host server.

(b) Transmission means for automatically transmitting the result data and replay data stored in the storage means to the host computer. *See fig. 4(404); col. 4:5-7.* More specifically, an automated process transmits recorded game play to a host over a network.

(c) Reception means for receiving totalization data automatically transmitted from the host computer. *See fig. 2; col. 8:8-36.* Player terminals receive update game data from the server and store it for display on the terminal.

(d) Storage means for storing the received totalization data. *See id*

(e) Game execution playback means for reading-out and playing-back the received replay data from the received totalization data stored in the storage means and, as the same time, executing the game play by the player. *See fig 2, 4(402); col. 3:65-4:21, 5:16-21, 8:60-64 and 14:34-38.* Player terminals receive an updated game state which has been compiled by the sever. *See id.* Also, "blow by blow" recordings of battles may be replayed at will. *See col. 14:34-38.*

(2) Host computer comprising:

(a) Totalization means for totalizing, on the basis of result data, the result data and replay data transmitted from each of the plurality of terminals and generating totalization data containing the result data and replay data. *See fig. 5; col. 15:15-53.* The host receives data from each terminal representing the results of each player's turn. *See id.* The host compiles (i.e. "totalizes") the data and updates the game state. *See id.* Afterwards, it transmits the totalized data to the terminals for use in the next turn. *See fig. 5; col. 15:15-53.*

(b) Storage means for storing the replay data transmitted from each of the plurality of terminal game machines. *See fig. 4(412); col. 4:16-21.* The host receives replay data from

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each terminal during a turn, updates the game state based on all the data and transmits the results to the terminals. *See fig. 5; col. 15:15-53.*

(c) Transmission means for automatically transmitting the replay data stored in the storage means to each of the plurality of game machines. *See fig. 6; 3:17-30, 12:55-63.*

Thus, the invention is unpatentable because James anticipates every feature of the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over James in view of Ng, U.S. Patent 5,971,855 (Oct. 26, 1999).

As described above, James teaches all the features of the instant claims except a detachable storage means allowing data readout that is connectable to a terminal game machine wherein the game machine reads out player character information serving as information associated with a game character and stored in the detachable storage means and reflecting the readout player character information on the game.

Ng discloses a system for communicating between a hand-held electronic game apparatus and other electronic systems. *See abstract.* The game apparatus can be connected via a special cable connected to the serial port of a personal computer to permit connection to a central processing unit on an Internet website. *See id.* Software installed on the personal computer permits communication between the hand-held electronic game and the personal computer, between the PC and the Internet website and

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thus between the hand-held game and the Internet website. *See id.* Data from the hand-held game can be communicated to the Internet website, for example, to register high scores or to play the preprogrammed game with other game users connected to the website. *See id.* By being able to link their electronic games to a website, Ng teaches that users will receive increased benefit and enjoyment from their electronic games. *See col. 2:56-60.*

Regarding claim 4, Ng teaches a detachable storage means allowing data readout that is connectable to a terminal game machine wherein the game machine reads out player character information serving as information associated with a game character and stored in the detachable storage means and reflecting the readout player character information on the game. *See fig. 1; col. 1:66-2:60.*

In view of Ng, it would have been obvious to an artisan at the time of the invention to modify the network gaming system disclosed by James, wherein players participate in a game using computer terminals, to add to feature of a detachable storage means allowing data readout that is connectable to a terminal game machine wherein the game machine reads out player character information serving as information associated with a game character and stored in the detachable storage means and reflecting the readout player character information on the game. As taught by Ng, the modification would enhance the system by allowing the convenience of playing games on a portable game apparatus and then link to a website, and thereby receive increased benefit and enjoyment from the games. *See col. 2:56-60.*

Regarding claim 5: Ng additionally teaches having player-character information stored in the detachable device being created and stored by a game machine not connected to the network, but having an interface for connecting the detachable storage means and for reading and writing. *See fig. 1; col. 1:66-2:60.*

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Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over James in view of Kaji et al., U.S. Patent 6,183,367 B1 (Feb. 6, 2001).

As described above, James teaches all the features of the claim except image-sensing means for obtaining image data of a game player, transmitting image data to the host computer, host computer transmitting the image data to a plurality of game terminals and displaying the image date corresponding to the replay data in playing back the replay.

Kaji discloses a game system enabling exchange of players' information, apart from game data, to increase "communication" between the players, raise their sense of rivalry and enhance level of interest generated by a game. *See abstract*. The communicative game system forms a network comprising a plurality of connected game devices. *See id*. The game devices receive data transferred over the network and transfer the received data and data generated by the home game device onto a host system for accessing the received data. *See id*. By this means, data, sound and video can be transmitted by conducting broadcast communications based on the communications system and host system between the of game devices. *See id*.

Regarding claim 6, Kaji describes image-sensing means for obtaining image data of a game player, transmitting image data to the host computer, host computer transmitting the image data to a plurality of game terminals and displaying the image date corresponding to the replay data in playing back the replay. *See col. 24:58-63*. For example, in a racing game, camera images can be displayed along side each other in accordance with their ranking or position. *See fig. 64-67; col. 24:37-257, 25:26-39*. Additionally, the reaction of a player may be recorded for replay on a competitor's terminal. *See id*.

In view of Kaji, it would have been obvious to an artisan at the time of the invention to modify the network game device described by James to add the feature of an image-sensing means for obtaining image data of a game player, transmitting image data to the host computer, host computer transmitting the image data to a plurality of game terminals and displaying the image date corresponding to the replay data



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in playing back the replay. As taught by Kaji, the modification would increase "communication" between the players and thereby enhance the sense of rivalry and level of interest generated by a game. *See abstract.*

### ***Response to Arguments***

Applicant's arguments, with respect to the rejection of claims 2 and 3 have been fully considered and are persuasive. *See Applicant's Response dated Aug. 26, 2003 (paper no. 12) pp. 6-7.* Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent 6,179,713 to James et al.

### ***Prior Art, Not Relied On***

The following prior art of record is not relied upon but is considered pertinent to applicant's disclosure: U.S. 6,264,562 B1 to McSheffrey et al. discloses an analogous communication game played over a network which records game data allowing remote players to participate in a game at different time periods.

### ***Conclusion***

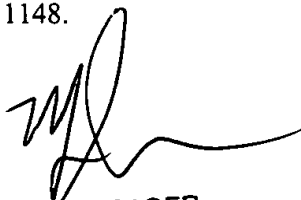
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1148.

s.a.

November 16, 2003



MARK SAGER  
PRIMARY EXAMINER